

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

SHERIAN SMITHY

PLAINTIFF

V.

CIVIL ACTION NO.: 1:17-cv-00205-GHD-DAS

**THE KROGER CO., INC.,
And THOMPSON SQUARE, LLC**

DEFENDANTS

MOTION FOR SUMMARY JUDGMENT

COMES NOW, the separate Defendant, Thompson Square, LLC, by and through counsel, and file this its *Motion for Summary Judgment*, and in support of said *Motion* would show unto the Court the following:

1.

The evidence attached as exhibits demonstrates that there are no genuine issues of material fact that would entitle the Plaintiff to any recovery or relief from Defendant because Plaintiff does not know why she fell and, therefore, cannot present admissible evidence that the conduct of Defendant was a cause in fact of Plaintiff's damages.

2.

Defendant offers, files and introduces the following exhibits in support of their *Motion for Summary Judgment*:

Exhibit A. Plaintiff's Deposition transcript.

Exhibit B. *Holliman v. Wal-Mart Stores E., LP*, 2016 U.S. Dist. LEXIS 106254, at *2-3 (S.D. Miss. Aug. 10, 2016).

3.

Defendant submits the following itemization of facts relied upon and not genuinely disputed:

A. The Plaintiff does not remember the fall and does not know why she fell.

WHEREFORE, PREMISES CONSIDERED, Defendant, Thompson Square, LLC, prays that upon a hearing on this *Motion*, this Court shall enter summary judgment in Defendant's favor, whereby the Plaintiff's claims against Defendant shall be dismissed with prejudice, as a matter of law. Defendant, Thompson Square, LLC, prays for such other relief, both general and specific, to which this Court finds it is entitled.

Respectfully submitted,

LAW OFFICES OF JULIE E. VAICIUS

/s/ Philip G. Smith

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certify that on this day I electronically filed the foregoing pleading with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

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